

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

PLUMBERS AND PIPEFITTERS NATIONAL )  
PENSION FUND; ET AL., ) Civil No. 03-1213-JO  
 )  
Plaintiffs, )  
 )  
v. ) OPINION AND ORDER  
 )  
DANIEL W. ELDRIDGE, formerly doing business )  
as Kodiak Plumbing Service; ET AL., )  
 )  
Defendants. )

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JONES, Judge:

Plaintiffs' motion (#29) for summary judgment is denied. This case is set for a court trial May 17, 2005, at 9:00 a.m. in Courtroom 10A.

The declarations of the plaintiffs' witnesses may be used in lieu of direct examination, but witnesses must be available for cross-examination if requested by the defense.

Defense counsel is correct that there is a material issue of fact as to the contractual status between the parties, which must be resolved before the court considers any potential damages.

Defense counsel shall prepare the direct examination of defense witnesses for submission to the court by May 3, 2005. Of course, defense witnesses must be available for examination in court.

For bench trial procedures, please read Chapter 17, Jones, Rosen, Wegner & Jones, RUTTER GROUP PRACTICE GUIDE: FEDERAL CIVIL TRIALS & EVIDENCE (The Rutter Group 1999).

DATED this 11<sup>th</sup> day of April, 2005.

/s/ Robert E. Jones  
ROBERT E. JONES  
U.S. District Judge